

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

Plaintiff :

- against - :

RAYAN ISMAEL LOPEZ, et al., :

Defendants :

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: <u>11210</u>
DATE FILED: <u>1/12/10</u>

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09 CR 625 (HB)

ORDER

Hon. Harold Baer, Jr., District Judge:

WHEREAS, on December 21, 2009, Defendant Rayan Ismael Lopez (“Defendant” or “Lopez”) filed a motion in which he seeks an order directing the government (1) to provide a bill of particulars; (2) to disclose any evidence pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963) and *Giglio v. United States*, 405 U.S. 150 (1972); (3) to disclose any “bad act” or “criminal conduct” evidence pursuant to Rule 404(b) of the Federal Rules of Civil Procedure. Defendant also seeks to reserve his ability to make further pretrial motions; and,

WHEREAS, on January 6, 2010, this Court issued an Opinion and Order that denied motions for a bill of particulars filed by certain other defendants, and also determined that “[e]vidence pursuant to Rule 404(b) shall be provided ten days to two weeks prior to trial, and per the representations of the Assistant United States Attorney, *Brady* material shall continue to be provided as it is discovered, and *Giglio/Jencks* material shall be provided in advance of trial,” see Opinion and Order, January 6, 2010 (Docket No. 123) (the “January 6 Opinion”); and,

WHEREAS, Lopez does not provide any further significant evidence that materially distinguishes his motion from the others that were previously decided in the January 6 Opinion; it is hereby,

ORDERED that for the same reasons stated in the January 6 Opinion, Lopez’s motion for a bill of particulars is DENIED. The government shall provide Lopez with *Brady/Giglio* and Rule 404(b) evidence as described in the January 6 Opinion; and it is further,

ORDERED, that as to all parties, any further and different motions may be served and filed only by leave of this court.

The Clerk of the Court is instructed to close the relevant open motion (Docket No. 118).

SO ORDERED
January 11, 2010
New York, New York



A handwritten signature in black ink, appearing to read "Howard B. [illegible]". Below the signature, the initials "U.S.D.J." are written in capital letters.